IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9212 of 2004

Smt.Renu Rajaram Jaiswal.....Petitioner

Versus

State of Maharashtra & Ors.....Respondents

None present for the petitioner

Mr. M.V. Aiya, for the Petitioner
Mr. R.M. Patil, A.G.P. for the Respondent NO.1 and 2.
Mr. Karim Shaikh with Smt. Faziya K. Shaikh, for the Respodnent No.4.

CORAM: F.I. REBELLO J.
DATE : 12th January, 2005

P.C.:

. Rule. Heard forthwith.

2. The Deputy Controller of Rationing after considering the various application held that none of the applicants satisfy the requirement and consequently decided not to allot the rationing shop. The reason given for rejecting the applications was that the premises which were shown for running the fair price shop were unauthorised.

3. Some of the applicants preferred Revisions before the Minister for Food, Civil Supply & Consumer Protection. The Minister allowed the application of Respondent NO.4 though clearly the structure in respect of which the rationing shop was to be run is unauthorised.

4. The petitioner has come to this Court challenging the said allotment on the ground that the petitioner and Respondent No.4 are similarly situated namely both the structures are unauthorised, but in so far as priority is concerned, the petitioner ought to have been considered first as belonging to the group of unemployed. It is, therefore, contended that the order of the Minister on that count is liable to be set aside.

5. Having heard the learned Counsel for the parties in my opinion the impugned order cannot be sustained. The Deputy Controller of Rationing had found both the petitioner and Respondent No.4 had shown premises which were unauthorised. Once that be the case their applications could not have ben considered. In the light of that the impugned order dated 27th October, 2004 is quashed and set aside. It will be open to the Deputy Controller of Rationing to invite fresh applications by following due process of law.

6. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)